(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc.Appeal No.908 of 2005

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant Non Applicant (No.3)		National Insurance Company Ltd Through-Its Branch Manager, Vyapar Vihar Road, Bilaspur (CG)
		VERSUS
Respondents (Applicant)	1.	Amit pawar, aged about 25 years, S/o Late M.R. Pawar, R/o Near Ram Mandir Chatapara, Bilaspur Tahsil & Distt. Bilaspur (CG)
(Non Appliant No.1)	2.	Ramesh Chandra, aged about 38 years, S/o Girija Shankar Mishra R/o Girija shankar Mishra,R/o Orahat, P.S. Civil Line, Distt. Rewa (M.P.) (Driver-Truck No. M.P. 17-C/4252)
(Non Applicant No.2)	3.	C.L. Choubey, aged about, S/o Not known, R/o Civil Line, Rewa Distt. Rewa (Reg. Owner of Truck NO. M.A. 17-C/4252

Shri Dashrath Gupta, Counsel for the appellant.

ORAL ORDER
(Passed on 2nd January 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

1. In this appeal preferred by the Insurance Company, what was urged before us is that in assessing loss of future income for a period of three years, the Motor Accidents Claims Tribunal (M.A.C.T) is not

justified in taking the monthly income of the 1st respondent as Rs. 6,000/-. We do not find any merit in the contention. It has come in the evidence that the 1st respondent at the relevant point of time was owner cum driver of a van. Having regard to the time and place of the accident, such a man earning monthly income of Rs. 6,000/- could not be regarded as something speculative or unreasonable. In that view of the matter, we cannot take any exception to the impugned award of the Tribunal taking monthly income of the 1st respondent as Rs. 6,000/- for the purpose of assessing future loss of income for a period of three years.

2. Apart from the above position, according to us, the appeal is also not maintainable in law because, admittedly, the appellant Insurance Company did not seek permission to contest the claim on merit as envisaged under Section 170 (b) of Motor Vehicles Act, 1988.

3. In the result, the appeal is devoid of merit and it is accordingly dismissed. However, there shall be no order as to costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani